

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORLANDO MINO HERNANDEZ, OSMEL RUBEN SOSA  
NAJERA, RAFAEL BASURTO GOMEZ, JOSE LUIS  
MENDEZ, MIGUEL MIRANDA, ROSALIO PEREZ,  
ANGEL GEOVANI RAMOS, and PALEMON BENITO  
ANTONIO individually and on behalf of others similarly  
situated,

20-cv-4457 (RA)

DECLARATION OF  
DIANA STALEY

Plaintiffs,

-against-

LIRA OF NEW YORK INC (D/B/A LUKE'S BAR &  
GRILL), LUIGI MILITELO, TOMMY TIN, JONATHAN  
MATEOS, and LUIGI LUSARDI,

Defendants.

DIANA STALEY declares under the penalty of perjury pursuant to 28 U.S.C.  
§ 1746 as follows:

1. I am employed as a waitress by Lira of New York, Inc., which operates a restaurant at 1394 Third Avenue under the trade name "Luke's Bar & Grill." I have personal knowledge of the facts contained in this Declaration, which I make at the request of defendants' counsel in support of their motion to dismiss the Amended Complaint.

2. During the evening of September 13, 2021, while I was waiting tables during the dinner shift, a stranger holding a stack of papers approached me. He asked if Luigi Militelo, who owns Lira, was in the restaurant. I said no. He asked if Jonathan Mateos, who is employed by Lira as a waiter, was in the restaurant. I said no. I do not recall if he asked about anyone else. He then handed the stack of papers to me and asked for my name. I told him. He left. The entire encounter lasted 30 seconds.

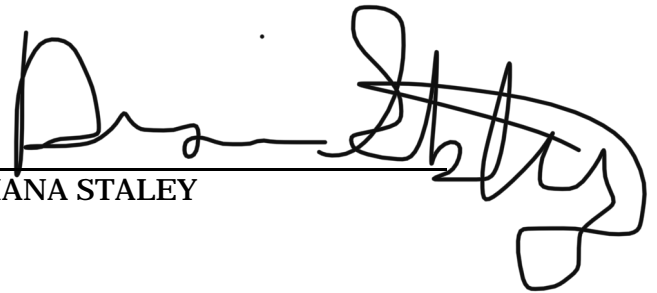
3. I have reviewed the affidavits, sworn to September 22, 2021 by Elijah White, regarding this encounter. In them, Mr. White claims to have asked me whether Luigi

Militelo, Jonathan Mateos, and Tommy Tin were “in active military service of the United States or the State of New York.” No such question was asked and no such topic was broached during this 30-second encounter.

4. Mr. White also claims to have mailed papers to Messrs. Militelo, Mateos, and Tin at the restaurant. I neither receive nor open the mail at the restaurant. That is the responsibility of Mr. Militelo.

I declare the foregoing is true and correct.

Executed at New York, New York, March 12, 2022.



DIANA STALEY